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TOWN OF NEW WINDSOR

PLANNING BOARD

JULY 15, 2009

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
NEIL SCHLESINGER
DANIEL GALLAGHER
HENRY SCHEIBLE

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

NICOLE JULIAN
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

ABSENT: HENRY VAN LEEUWEN
HOWARD BROWN

JENNIFER GALLAGHER
BUILDING INSPECTOR

REGULAR_MEETING

MR. ARGENIO: I'd like to call the July 15, 2009
meeting of the New Windsor Planning Board to order.
Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was
recited.)

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MR. ARGENIO: We're going to get right to it, we have a lot to get through and the only way to finish is to start. Mr. VanLeeuwen and Mr. Brown are not with us tonight, they called Nicole and told her they wouldn't be with us. As such, Henry Scheible has joined us up on the dais.

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ANNUAL_MOBILE_HOME_PARK_REVIEW:

HUDSON_VIEW_PARK

MR. ARGENIO: Hudson View Park but I have directed Nicole, asked Nicole to phone them and tell them not to come in this evening because there are some outstanding issues with the physical fitness of some of the trailers on that park. Our town engineer has inspected it and we await his report. And the reason I had them not come in tonight was because I'd like to address any issues that are there in one fell swoop and not pick at them as it were.

DA_REALTY_PARK

MR. ARGENI: Next item is DA Realty Mobile Home Park. Is somebody here to represent this? I have spoken to the building inspector, Jennifer Gallagher, about this, she's not here tonight because she's baby-sitting her new baby, kudos to her, I did speak to her about this mobile home park and she tells me that the fire inspector was there and everything appears to be in order there. Do you have a check made out to the Town of New Windsor? Can you give us your name?

MR. GLYNN: Arthur Glynn, G-L-Y-N-N.

MR. ARGENIO: Do you have a check?

MR. GLYNN: Yes.

MR. ARGENIO: Unless anybody has issues, I think we should entertain a motion for one year extension for their permit to operate.

MR. GALLAGHER: So moved.

MR. SCHLESINGER: Second it.

MR. GLYNN: Right now also we're working with Bill James and Pat Brady to do a lot line realignment, we'll be back in because there was a commercial building shop was in the front of the mobile home park and there were two kind of odd shaped parcels so we're working on that at the same time.

MR. ARGENIO: Just stay right there for a second. Motion has been made and seconded. Roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. SCHEIBLE AYE

MR. GALLAGHER AYE
MR. ARGENIO AYE

MR. ARGENIO: I didn't expect him to bring that up tonight, the lot line change, it's a separate issue from his permit to operate and I certainly wasn't going to bring it up. Mark, briefly, can you just share for the benefit of the other members so they're keyed into this thing what the gentleman's referring to?

MR. EDSALL: As you recall, Mr. Glynn was in for a site plan approval to reorient all the trailers, they were let's say not reasonably spaced, they were over property lines, there were a lot of improvements that needed to be performed.

MR. ARGENIO: This is the park on Walsh Road right near the city line.

MR. EDSALL: Yes, so the site plan approval provides a new road down the center core of the site, it meets the fire inspector's requirements, provides a turnaround, they bring all the trailers into the property, correct spacing on the proper lot so it's a great improvement. The only outstanding issue is the fact that there's now lot line conflicts because the commercial property shares the same lot as a portion of the trailer park so Mr. Glynn had his surveyor at the workshop, they're in the process now of trying to fix the lot lines now that they have fixed the site plan so they'll be before you probably within the next couple months with a new application for lot line change.

MR. ARGENIO: Okay.

MR. GLYNN: Great.

MR. ARGENIO: That's it. Thank you for coming in.

MT._AIRY_ROAD_MOBILE_HOME_PARK

MR. ARGENIO: Next item on the agenda continuing with the mobile home parks is the Mt. Airy Park on Route 207. Somebody here to represent this?

Mr. Rich Paltridge appeared before the board for this proposal.

MR. ARGENIO: Do you in fact have a check made to the benefit of the Town of New Windsor for \$250? Is it good?

MR. PALTRIDGE: Yes.

MR. ARGENIO: I also have spoken to Jennifer about this park specifically and she's told by the fire inspector that everything seems to be in order there. As such, does anybody see fit to make a motion to give them a one year extension on their mobile home park?

MR. SCHEIBLE: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer one year extension to the Mt. Airy Road Mobile Home Park on Route 207. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Thank you for coming in.

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PUBLIC_HEARINGS:

DUNKIN_DONUTS_(09-13)

MR. ARGENIO: The first item on the agenda is Dunkin Donuts represented by Mr. Interrante. Is he here tonight?

Mr. Ciro Interrante appeared before the board for this proposal.

MR. ARGENIO: For the benefit of the public for those of you who have not been here before for a public hearing, what we're going to do is Mr. Interrante is going to apprise the board of the advances he's made since the last set of his plans. We'll look at it and comment and then we'll give the public a chance to comment, if there's anybody here who wants to comment. This application proposes demolition of the existing residence on site and the development of the .85 acre site with a retail restaurant. The plan was previously reviewed at the 11 March, 2009, 13 May, 2009 and 24 June, 2009 planning board meetings. This application is before the board for a public hearing this evening. What say you, Mr. Interrante?

MR. INTERRANTE: The last time we were here we talked about putting specific notes on the plan with regards to the retaining wall on sheet SP1 right here we've got the notes describing that the design needs to be done by a licensed engineer, a licensed engineer needs to inspect the work during construction and a licensed engineer needs to certify after construction. We also talked about drawing examples of the one way sign on the do not enter sign, those are examples which are drawn right here on SP1 also. We talked about the grease trap labeling it, we did that, I think that was pretty much the extent of. Oh, we also made adjustments to the lighting levels, we made adjustments to the lighting levels so that there's additional light

near the front entrances and we kept the numbers very low where it spills off the site, I think that was the extent of what we talked about last time. Anything else, everything else was left unchanged.

MR. SCHEIBLE: Mr. Chairman, evidently, I wasn't here for that meeting, I want to know exactly is this relative to the ice cream?

MR. ARGENIO: Between the ice cream parlor and the gas station, there's a residence there, narrow lot, yes.

MR. SCHEIBLE: Just want to clarify that for myself.

MR. ARGENIO: Were you here for the meeting when we discussed the wall?

MR. SCHEIBLE: No.

MR. SCHLESINGER: That was the last meeting.

MR. ARGENIO: Very briefly, we went in detail, we had a very detailed discussion about the wall.

MR. SCHEIBLE: Cause it drops off.

MR. ARGENIO: He's proposing an SMU wall which has potential to have problems, that's the genesis of his comment about the notes, if you read the note on page SP1 he's going to have a licensed engineer design the wall, inspect the installation and then that licensed professional will supply the Town of New Windsor amongst other people, I only care about the town though, with a certification that the wall was built according to the plans.

MR. SCHEIBLE: Okay, town specs.

MR. ARGENIO: No, not town specs, built according to the design that the wall professional is going to

create based on the soil and the load, et cetera. Does anybody here, any of the board members have anything specific they want to hit before I open it up to the public? We certainly have seen this quite a few times. I want to talk a little bit about the, after the public hearing about the DOT and their lack of a response, we can hit that in a few moments. On the first day of July, 2009, 11 addressed envelopes went out containing notice of public hearing for this application and that public hearing is this evening. At this point in time, we're going to open the public hearing, if there's anybody in the audience that would like to speak for against or just comment on this application, please raise your hand and be recognized by the chair. Sir, please come forward, clearly announce your name for the benefit of the stenographer.

MR. SPENCER: Clarence Spencer. That property is right in my back yard. My issue is the trash, whenever it comes up where's all the trash going to be except my yard. I want to know if there's going to be a fence, like a privacy fence that runs around the property to keep the trash out of my yard?

MR. ARGENIO: I'll tell you this, Mr. Spencer, the town, I don't know if it's the Town Code, but I can tell you what we typically require for commercial buildings of this nature is we require their dumpster or their refuse containers to be enclosed typically in a concrete cinderblock structure and they have done that here with a gate on it. So not only will you hopefully not have to look at the refuse containers in your back yard or close to your back yard hopefully the refuse hopefully you won't have to look at the containers, the refuse will be in those containers.

MR. SPENCER: I run into the same problem with the gas station where people just throw trash on the ground and blows straight into my yard and that's my concern is not necessarily you because you're not going to be

throwing the trash, some people that get the straw wrappers and throw it on the ground, wind blows, now I'm picking up other people's trash constantly and that's my thing.

MR. ARGENIO: Let me ask you this. What would you propose to the planning board? I mean, require them to put it in a, we require them to keep their dumpster in a container, I think that's a good step forward. Do you have any other additional thoughts?

MR. SPENCER: I would just like a privacy fence of, you know, some sort, it doesn't have to be a privacy fence, just something that would stop the trash that whenever it does blow cause everybody, so he's, there's going to be trash.

MR. ARGENIO: Let me add this thought to you, to your statement that you made, I don't have a scale with me, Mr. Interrante, I'm sure you're aware of it, what's the distance from the curb line to what potentially could be this gentleman's property, the bottom of the page up?

MR. INTERRANTE: The first property line?

MR. ARGENIO: Go from your curb line from your rear curb line back to his property.

MR. INTERRANTE: I would say he's pretty close to 180 feet.

MR. EDSALL: It's 180 feet.

MR. SCHLESINGER: I was going to ask the same question, I was going to ask him just to clarify it, you live if you look at that diagram right there you live all the way on the bottom of the page?

MR. SPENCER: I'm not a map reader.

MR. SCHLESINGER: The entrance into the proposed Dunkin Donuts?

MR. SPENCER: My house is right here.

MR. SCHLESINGER: So you live right behind the gas station?

MR. SPENCER: Yes, sir.

MR. SCHLESINGER: And right adjacent to the almost back of the store which therefore see I was thinking you lived all the way down at the bottom of the page.

MR. ARGENIO: That's what I was thinking.

MR. SCHLESINGER: And it's a considerable distance so therefore you're right there.

MR. SPENCER: Yes, sir.

MR. ARGENIO: Look, you know, I have to tell you there's a lot of things we can do, there's some things we can't do. Unfortunately, one of the things we can't do is monitor pigs who litter and make a mess of our town unfortunately, I don't believe there's really enough room there to do any kind of fence cause there's just not room.

MR. SCHLESINGER: May I just interrupt? I mean, I'm in a similar type business and, you know, you're only talking about papers and you're lucky because here it's probably trash and empty coffee containers and cardboard boxes and things like that. And we have a certain code that we have to follow and this gentleman has abided by the code and it's an enclosed container and I think that I'm just going to address what Jerry is bringing up, if there's a problem whether it be trash or anything else, you need to let the town know,

you need to let the town know cause we don't know or the town doesn't know, it can't be addressed, okay. The container is the code and this is the things we look for on all the applications and it's a concrete thing there, you know, we don't make them put nets over it but if there's a problem, you have to let the town know cause unfortunately, we don't have a 30 man police force that goes around doing this but if you have a problem, let the town know and it will be addressed.

MR. SCHEIBLE: I agree with what Mr. Schlesinger was just saying, Mr. Schlesinger brought up a very good point and it's this would not be the only instance in the Town of New Windsor where rubbish is disposed of a half mile down the road, thrown out the window and so forth, any takeout you're going to have the problem and it's something the citizens of New Windsor should complain about. I have no problem with that.

MR. ARGENIO: And I, we all want to keep our town clean believe me and I think you're on the right path and if you see any problems happening, you complain to the town to the people that should listen to you.

MR. SPENCER: Now let's just suppose that I do get a lot of trash in my yard and I come back and tell you guys hey, you know, I mean, I've got pictures, everything, this is what I have this situation and then, you know, you guys say sorry, that can't be done.

MR. SCHLESINGER: That will be addressed.

MR. ARGENIO: That's not, this is not the venue for that but I will tell you this, Jennifer Gallagher is the building inspector and if you call her, the code enforcement people they answer to her, she'll dispatch them to go out and take a look and she'll compel them to either put more trash cans out or do something but, you know what, I heard a lot of comments at public hearings and that's a real good comment cause it's a

common concern that we all have.

MR. SPENCER: That was my issue, I mean, all right.

MR. ARGENIO: Thank you very much. I'll accept a motion.

MR. GALLAGHER: Motion to close the public hearing.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board close the public hearing for the Dunkin Donuts application. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Mr. Interrante has achieved most of what we had requested. I read the engineer's comments on the retaining wall, Dominic, containing those comments on the map, is that sufficient enough for us or does he need to memorialize them in some other fashion for them to have teeth?

MR. CORDISCO: No, memorializing them on the map will be sufficient.

MR. ARGENIO: I'm good with the verbiage, the verbiage is very thorough and just about precisely what we asked at for at the last meeting. Mark, I want to bounce this to you guys, follow me on this a little bit, it's my understanding what are you missing here is this is tricky for us, I'll tell you why, because normally we don't give approvals subject to DOT, you don't have DOT approval yet unless you know something I don't.

MR. INTERRANTE: We do not.

MR. ARGENIO: But Mark this question's directed at you, in my opinion and I want to hear from the other three members that are here this evening, I don't think there's anything else they can do with the curb cuts other than what they have done?

MR. EDSALL: No, clearly they have a very, very restricted site given its narrow bowling alley shape so I don't know that other than making, saying that the curb cut can't be 24 feet one way, it can only be 20 there's not much more to do. It was sent to the DOT over four months ago, it would seem to me that within a 4 month period they can at least let us know if the configuration is generally okay, we're not asking they issue a permit, so I think we're, we've been quite patient.

MR. ARGENIO: Neil, Henry, what about that?

MR. SCHEIBLE: I completely agree with him, it's been four months since we've heard anything, we just have so much room to work with, right, and it's--

MR. ARGENIO: That's it.

MR. SCHEIBLE: That's it.

MR. ARGENIO: This is not like a lot with 400 foot of frontage on 9W.

MR. SCHEIBLE: He's not going outside his rules and regs here, he's staying within it like he should.

MR. ARGENIO: That doesn't mean we're waiving which we don't have the right to do. Danny, any thoughts?

MR. GALLAGHER: No.

MR. INTERRANTE: Would it be appropriate for me to make a request that the board consider conditional approval pending the DOT permit?

MR. ARGENIO: Seems to me we're already headed that way.

MR. INTERRANTE: I don't know whether it should go on record to make a request.

MR. ARGENIO: Mark, I have one problem here, this, and I do have one problem, I think we have one problem, I don't have anything from fire.

MR. EDSALL: Well, I can only share with you the fact that it was initially disapproved because it required a waiver from the fire prevention bureau.

MR. ARGENIO: Did you acquire that waiver?

MR. INTERRANTE: We did.

MR. EDSALL: They got the fire prevention, Barney Bedetti, he and I reviewed it at least four times, he was the one who called me to let me know that we were successful with the waiver and he was okay with it, so I would suggest that you make that a condition that they get that memo.

MR. ARGENIO: So as far as you're aware, Mark, that waiver has been acquired and just the fact that we don't have it here as part of the record.

MR. EDSALL: I think it's an oversight that after the fire prevention bureau granted the waiver Barney didn't send over a new memo.

MR. ARGENIO: Okay, you guys okay with that?

MR. SCHLESINGER: Yes.

MR. SCHEIBLE: Yes.

MR. GALLAGHER: Yes.

MR. ARGENIO: I'll accept a motion we declare negative dec under the SEQRA process.

MR. GALLAGHER: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion's been made and seconded that the Town of New Windsor Planning Board declare negative dec under the SEQRA process for the Dunkin Donuts site plan.

ROLL CALL

MR. SCHLESINGER AYE

MR. SCHEIBLE AYE

MR. GALLAGHER AYE

MR. ARGENIO AYE

MR. ARGENIO: SWPPP not required based on the area of disturbance.

MR. EDSALL: Mr. Chairman, just a note on storm water management the Orange County Department of Planning advised us that it was their opinion that this is in the Brown's Pond watershed, just for the record, the applicant is exceeding the storm water requirements under state law so I believe they have gone over and above what would be appropriate for protecting the watershed.

MR. ARGENIO: Anybody have anything else with this? I'll read the subject-tos, Dan or Neil, Henry?

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MR. GALLAGHER: No, they did a good job.

MR. ARGENIO: I'll accept a motion if somebody sees fit.

MR. SCHLESINGER: Make a motion for final approval for the Dunkin Donuts site plan subject to the subject-tos.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Subject to the final corrections noted in the engineer's comments be adhered to, subject to we get the bond estimate for the key site improvements and subject to you achieving approval from the DOT and Mr. Interrante, that approval when you get that that needs to be part of our need as well.

MR. INTERRANTE: Just send you a copy.

MR. ARGENIO: Yes, and I think the record is clear that we normally don't do that but we're doing it here, insomuch as the lot is so narrow, there really isn't much else that can be done, any changes that DOT makes to your plan as well thought through as it is will certainly be minor in nature. And the last subject-to is Mr. Interrante you need to get us get Nicole a copy of that approval from the fire inspector that you have that waiver if she does not have that approval I will not sign the plans nor will Neil.

MR. INTERRANTE: Fax it to you or hard copy mailed to you?

MR. ARGENIO: Fax it to her. We have a motion subject-tos read in motion made and seconded that the Town of New Windsor Planning Board offer final approval subject to what I read into the minutes a moment ago to Dunkin Donuts.

ROLL CALL

MR. SCHLESINGER AYE
MR. SCHEIBLE AYE
MR. GALLAGHER AYE
MR. ARGENIO AYE

MR. INTERRANTE: Can we file for a building permit with a conditional approval or still need DOT?

MR. ARGENIO: Mark or Dominic?

MR. CORDISCO: If I could, you have to satisfy the conditions, actually, there's been a written resolution outlining those conditions that will be available to you as well through Nicole. Once that's filed in the, in her office and in the Town Clerk's office, one other thing that you should bear in mind is that the local town law requires that you satisfy those conditions within 360 days so that clock starts ticking, you have your time, otherwise, the approval expires and you won't be able to obtain a building permit.

MR. INTERRANTE: Approval expires in one year basically?

MR. CORDISCO: Correct.

MR. EDSALL: Five days short of a year.

MR. INTERRANTE: Okay.

MR. CORDISCO: It tracts the subdivision law, that's why it's 360 but that's all spelled out in the resolution itself and as I said, you can get that from Nicole.

MR. INTERRANTE: Okay, thank you.

MR. ARGENIO: Thank you.

ED_BIAGINI_SUBDIVISION_(08-04)

MR. ARGENIO: Next is Mr. Biagini, Little Brook Court. What's your name, sir?

Mr. Jonathan Cella appeared before the board for this proposal.

MR. ARGENIO: This application is also here for public hearing tonight and the same rules will apply to this public hearing that we applied to the prior one. The application proposes subdivision of 2.68 acre parcel into three single family residential lots. The plan was previously reviewed at the 27 February, 2008, 28 January, 2009 and 24 June, 2009 planning board meetings. This application is before the board for a public hearing at this meeting. Mr. Cella, please tell us the changes you've made and improvements you've made to your plans since we last met and then we'll open it up to the public and if you guys have any questions certainly feel free to ask them, go ahead.

MR. CELLA: Since last we met, we have addressed Mark Edsall's comment letter dated February 3, 2009 which we corrected some notes, changed some line types, added a rip-rap end section at the end of the proposal, at the end of the existing drainage pipes, we conducted soil testing on lot number 1 and I believe I clarified the location of the proposed well on lot number 2. That's all the changes we made.

MR. ARGENIO: Ed, were you able to finalize the septic design? I know for the benefit of the members one of the stumbling blocks Neil was the one who brought it up was the septic design for lot 1 and I know Mr. Biagini has been working with Mark and myself to try and get through this and get this tied up, where are you at with that?

MR. CELLA: Our office conducted soil testing on lot

number 1 and we did deep hole and perc tests and revised the septic based upon our findings.

MR. ARGENIO: Do you have final design on that?

MR. CELLA: This is the final design on the maps currently and we took the map note over referencing the map done previously by Paul Cuomo and that would be on page 3.

MR. ARGENIO: You certified that?

MR. CELLA: Yeah, we're signing off on that design.

MR. ARGENIO: You're certifying that?

MR. CELLA: That's correct.

MR. EDSALL: Mr. Cella, where on sheet 3 is the septic system for lot 1?

MR. ARGENIO: It's right here parallel to the contour lines.

MR. EDSALL: There's no system on here.

MR. CELLA: That's the proposed system.

MR. EDSALL: One lateral?

MR. CELLA: No, there's 1, 2, 3, I have to make them heavier, you see them though, right?

MR. EDSALL: Looks like contours to me.

MR. CELLA: Well, it's parallel.

MR. EDSALL: All right, I think the draftsman can make that a little easier to follow.

MR. CELLA: The question was you questioned the location of this well.

MR. EDSALL: That was fine, everything is good.

MR. ARGENIO: Is that the 496 septic contour?

MR. EDSALL: Yeah.

MR. CELLA: The septic system stayed in the same area, just revised it based upon our testing.

MR. ARGENIO: I'm going to, while you guys look at this a bit, it's been a while since we've seen this, I'm going to open this up to the public and we'll get some comments, if anybody has any. On the 30th day of June, 2009, 20 addressed envelopes containing notice of public hearing for this application were mailed out. Anybody in the audience who'd like to speak for or against this application, please raise your hand, be recognized, step forward and you'll be given the opportunity to speak. Anybody wants to speak? Please give me your name and address for the record.

MS. AMENDOLOGINE: Patricia Amendologine, 28 Little Brook Court, Rock tavern. I live at 28 Little Brook Court, which is next door to lot 1. I am very concerned about the drainage that was installed there. There are two culvert pipes 18 to 24 inches that run right to the rear of the property of lot 1, yes, that are probably, I'm not good on measurements but I'd say they are not more than 75 feet from my property line and they feed into the Little Brook, they feed into the Little Brook which is right behind my house which actually we presented a power point to the Zoning Board of Appeals to show them that Little Brook actually feeds into Moodna Creek. The last six weeks we have had a lot of powerful, heavy downpours. During that entire time, I can get out of my car at night after any one of those and on my driveway you can hear the water

rushing out of those pipes. Now I'm sure that's what they're meant to do and everything else. So that brings me to my next concern of the septic on each of those three lots, you know, they're going to have your septic and your leach fields but each one of those homes are four bedroom, 2 1/2 bath homes and how much of that leach field during these heavy rains during a bad winter where we have a quick like everything starts to melt.

MR. ARGENIO: Quick thaw.

MS. AMENDOLOGINE: Right and everything starts rushing and that has happened before and there isn't anything going on there and I'm telling you the water that's going out of there you can hear it from my driveway just rushing through those pipes and going through Little Brook Court. Now, the gentleman who lives in the historic house had come down when we had the ZBA public hearing because he was noticing that the pond on his property that's been there forever all of a sudden he's developed silt and debris and he was wondering where it, where all of a sudden it's coming from and then when he found out about this he realized well, this is where it's coming from because Little Brook travels under the culvert under Toleman Road into his pond and out and down to Moodna Creek. Let's see, the other thing I'm concerned about of course is the size of the homes. Yes, all those lots are congruent to the size of the lots in our neighborhood. However, the size of the homes that they're going to put on these three lots are not the size of the homes that are in the neighborhood. The 75 percent of the homes on Little Brook Court are, were built in 1973 so they're under 1,800 square feet and they're 1 1/2 baths and they're on a half acre. You know, I just, the Town of New Windsor, you know, in all their wisdom changed their comprehensive plan so that way houses were supposed to be after this period of time were supposed to be on larger lots because maybe it wasn't a good

idea to have wells and septic so close together. Now all of a sudden well maybe we're not that smart anymore, we're going to go back to the old way and we're not gonna put on a house that's three bedroom and 1 1/2 baths, now we're going to use that same half acre and we're going to put it on a lot, we're going to put even a bigger house on it with four bedrooms and 2 1/2 baths. So my concern is that we're putting ten pounds of garbage into a five pound bag.

MR. ARGENIO: How do you know what size homes are being built?

MS. AMENDOLOGINE: I've seen the house, yes, I have and I've never had a septic odor anywhere in my back yard. Other people in the neighborhood have had problems or whatever have you, I haven't. I am concerned I am going to get one. There's a lot of drainage from that property that feeds to my right in the back over there into that Little Brook and if eventually everybody's leaching and their fields leach and your leach fields spread out and it's wet back there, you know, it's wet, I've been there for 27 years and I don't see where that's happening, I really don't. The one you're pumping I think on one plan that I saw you're pumping up the hill so then if you're pumping your septic up the hill where are your leach fields? Do they leach down? Do they get into all that drainage pipe that's in there and then that leach all ends up into the Little Brook which is in my back yard?

MR. ARGENIO: What's your, what's the next issue? I have the septic on my list twice.

MS. AMENDOLOGINE: The size of the homes, the drainage and that if we're going to go ahead and do this, I think the size of the homes and we're going to go back to 1973 then the size of the homes should be that of the neighborhood in 1973.

MR. ARGENIO: Okay.

MS. AMENDOLOGINE: And also the other comment I have is not every home in other development is on a half acre or even less like my home is on .47 but there are four lots that because of the topo of the lot they're on one acre and there are four or five homes on that size lot.

MR. ARGENIO: Okay, thank you, Mrs. Amendologine.

MR. SCHLESINGER: May I ask her a question?

MR. ARGENIO: Yeah, what I want to do is I want to I'd like to gather the issues cause I think Neil there's going to be a lot of commonalty amongst them and then we'll go through it. Anybody else like to speak?

MS. AMENDOLOGINE: Can I just add one thing?

MR. ARGENIO: Please do.

MS. AMENDOLOGINE: My only other problem was is that when we were before the Zoning Board and the ZBA had said that they had gone out to the lot and looked at the lot, it was passed comment time and I'd just like you to know no one ever walked the lot, not one member of the ZBA walked that lot knowing that I had written letters and whatever to the ZBA. And I had a problem with it, not one person has ever knocked on my door and said can I ask you where you, where it is, where is your concern, not one person and to the date no one has knocked on my door.

MR. ARGENIO: Okay, thank you. Anybody else like to comment? Yes, ma'am, please come up. Would you give us your name?

MS. DURSO: Mary Ann Durso, 30 Little Brook Court, Rock Tavern. I live next to Pat Amendologine.

MR. ARGENIO: What's your last name?

MS. DURSO: Durso, D-U-R-S-O.

MR. ARGENIO: I would like to as I said I'm sure you heard me, I'm trying to gather the information so I've heard Mrs. Amendologine, we have her comments, do you have something in addition to that?

MS. DURSO: I am concerned about the septic also and about the fact that the Little Brook it's really disgusting to think that the people in Washingtonville are going to be having septic running through their water. But my other concern is the wells in our section where these homes are going to be built at the end where they're going to be built there's seven homes, four out of the seven homes have had their wells re-dug or blasted cause we've had water problems for the past 24 years.

MR. ARGENIO: Water smells like sulfur.

MS. DURSO: I'm down almost 500 feet and I still have problems.

MR. ARGENIO: I'm down 300 feet, I'm out in the west end and I don't have any wells around me, it's amazing.

MS. DURSO: I'm down almost 500 feet and my neighbor has a Artesian well at 64 feet and she can fill her pool and she fills her pool and I run out of water. Anyway, that concerns me that there's going to be three large homes there at the end of our development and might cause additional problems and hardship for the rest of the neighbors. That bothers me. The septic bothers me and one other thing a little off the record I just happened to print out the minutes from the last meeting and Mr. VanLeeuwen is not here but I do not appreciate what he said, "I know some of the people that live out there, they're not all that well put

together", and I really think that's insulting to the people in my development that he said that.

MR. ARGENIO: I'll tell you this, I cannot speak for Mr. VanLeeuwen, he's not here, I don't, certainly don't have, I don't remember everything everybody says but he's a pretty down-to-earth guy and maybe it came off wrong, I don't know, I'm certainly not going to address this, I don't know.

MS. DURSO: I don't expect you to. I just want it on the record, I mean, this is a public record, I went online, I printed it out, it's a public record, he should not have said that. Okay, that's it.

MR. ARGENIO: I want to try Mrs. Wells (sic.) to focus objectively on the issue.

MS. DURSO: He shouldn't be putting down people in this development.

MR. ARGENIO: Thank you very much for your comments. Anybody else like to comment on this application on something in addition to what Mrs. Amendologine and Mr. Durso said? Anybody else? No hands.

MR. GALLAGHER: I'll make a motion we close the public hearing.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion's been made and seconded that the Town of New Windsor Planning Board close the public hearing on the Biagini subdivision.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE

MR. ARGENIO

AYE

MR. ARGENIO: Okay, if you guys have a comment, please interrupt me, don't feel bad about interrupting me but I do want to say Mrs. Amendologine has some very valid points as does Mrs. Wells (sic.) who's disguising herself as Mrs. Durso tonight but that's a different issue. But there are also some points that we as a planning board we cannot address one and we cannot help you with because we're limited in our scope of authority. The drainage it is what it is, the drainage comes out of Little Brook Court, I was at the site, Mrs. Amendologine, did not knock on your door, but I was at the site twice because I had some concerns about the site so I did walk it and, I mean, I don't know what to say about the drainage, the drainage is what it is, there's an easement going through there, it was approved many, many years ago. I understand you can hear the water at night but it's going somewhere and thank goodness it's not ending up in your basement and I can see by the contours it will be very unlikely for it to end up in your basement. So that's a good thing because that would be a problem. I'd like to address the septic just for a moment. I think Mr. Schlesinger was the one who was concerned about the septic originally, just to give you some history because you folks have not been at every planning board meeting, this application came in front of this board and it appeared that the septic design for the lot number 1 was very dissimilar from the other lots and we're not engineers sitting up here but Neil noticed it and he said it appears that the septic design is dissimilar from the other lots. And he started to probe that issue and what we discovered was that the septic design was very old, not that the sole characteristic should change too much over the years, actually shouldn't change at all, but nonetheless the septic design was old. I don't know if we have the ability to do so or not but we did compel the applicant and he agreed to redesign the septic and he did that and along with that

design he has to certify this as a licensed professional in the State of New York and he has insurance with the State of New York Department of Education. That tells us as a planning board and tells all of us as the town residents that he's capable of doing this and if he doesn't do it correctly he has to suffer whatever penalties the Department of Education of New York State imposes upon him for being incapable of doing, for being incapable for doing a septic design that he represented that he could do. So I'm gonna try to move passed this in that we as a board recognize that there could be a problem same as yours madam and we endeavored to ensure that what they design and put there is in accordance with the Town Law and the laws this board has to follow. Mrs. Durso is concerned about the wells and it's funny she mentions it you can have one well here that's 60 feet and not 400 feet away you can have a well that's 400 feet and Mark unless, I'm wrong, I've seen that all over this town and it's typically we've found that it's not a function of in our town it's not a function of too many wells being centered around one aquifer, just the way the water runs, you just don't know. I'm I think 300 feet deep in my house, I'm out on Station Road in the west end and my neighbor, in the back behind me they're at 500 plus like yours and his water is a poor quality and he doesn't have enough of it. I think he barely meets code. So water's a funny thing, you don't know, you don't know what it's going to do. Neil, you wanted to make a comment before and I wanted to get Mrs. Amendologine's concerns on the record in one fluid motion and I interrupted you. Please respond or make the comment you were going to make.

MR. SCHLESINGER: Mrs. Amendologine, my question to you is when you were at the ZBA meeting at the public hearing?

MRS. AMENDOLOGINE: Yes.

MR. SCHLESINGER: Were there a lot of other people there?

MS. AMENDOLOGINE: Yes, they were, we're kind of disillusioned at this point.

MR. SCHLESINGER: Well, you had an opportunity to talk I'm assuming?

MS. AMENDOLOGINE: Yes.

MR. SCHLESINGER: And you brought it to my attention, I looked at the plans and I'm just making everybody aware of this that the Town of New Windsor code for a buildable lot is 80,000 square feet. The reason that they went, one of the reasons they went to the Zoning Board is cause they didn't have 80,000 square feet and they asked for a variance on lot 1 as an example for 50,000 square feet. That's out of our department. You understand that?

MS. AMENDOLOGINE: Yes.

MR. SCHLESINGER: For whatever reason and as I said to you I think the Zoning Board had the opportunity to listen to you just like we are also and they granted the variance.

MS. AMENDOLOGINE: Mr. Schlesinger, it fell on deaf ears. What can I tell you.

MR. SCHLESINGER: That's your opinion.

MR. ARGENIO: Hold it, Neil, that's not what we're discussing. All I'm trying to do is that it's not an issue of this board and I just wanted to make you aware of that.

MS. AMENDOLOGINE: I am.

MR. SCHLESINGER: You know, we try to give you the opportunity to talk here and we react to it only with what's in our means and what we're capable of addressing. The well water as Jerry just said neighbor down the block can fill up a pool, you know, that's not us, the water, so I just wanted to make you aware.

MR. ARGENIO: Let me just expand on that a little bit so everybody can have a good understanding. What the zoning board has tried to do over the past five years or whatever the number of years is since we, whatever the number of years have passed since the zoning changed to 80,000 square feet is from time to time they do grant variances for people to put homes on lots that are a bit smaller than 80,000 square feet. Neil said correctly they determine that a variance is appropriate, they'll offer the variance and that's it from there, we have to look at it as a planning board. What the zoning board has tried to do is in keeping with the neighborhood that's let's pick a number 50,000 square foot lots, if somebody comes in and they would like to get a variance to put a home on this 50,000 square foot lot, typically they would probably get the variance unless there's extenuating circumstances, if that neighborhood contains lots with, that are about 50,000 square feet and they want to put a house on a 20,000 square foot lot with possibly no road frontage that's a different issue. So this is only my opinion and I'm one member here, in my opinion, these lots are probably about in keeping with the neighborhood they may be a little bigger, they may be a little smaller, I'm not sure but they look pretty consistent with what's in that neighborhood. So I think that they used, I think that they used and people may not agree with this but I think they used judgment that was sound in sound logic and in keeping with what the town has typically done. The other thing everybody needs to keep in mind is everybody has a right, if you own a piece of property to develop your lot and if you want to develop your lot be it commercial or residential,

there are a set of laws out there that are contained in the Town of New Windsor code book. In that code book it tells you how you have to do it and if a developer or a homeowner whatever the case may be follows the rules and they obtain the appropriate variance if they need it, if they don't need it, they meet the requirements, they have the legal right to build on that lot. This applicant has obtained a variance which puts him back here at the planning board for us to review it and do our due diligence. We do not have the lawful right to tell the applicant believe it or not we do not have the lawful right to tell him no, we decided that you can't develop your property, that would be against the law, there would be an Article 78 proceeding and the town will be taken to court. What we do have the right to do is review the application and to impose reasonable restrictions upon the applicant, see that he mitigates the concerns of the people in the neighborhood, that's my opinion that we have done, we have done that with septic even before your, prior to your arrival, you folks we have done that with the septic and I don't know that there's any place we can go with the drainage. I didn't hear that anybody's yard is flooding or their basement is flooding. So if you hear the sound of running water well you hear the sound of running water. I don't know that there's anything we can do about that. Henry or Dan, do you have any other comments on anything that I've said or anything to add or Neil for that matter?

MR. SCHEIBLE: The two young ladies that spoke before I appreciate your input, it was very explicit and very well taken.

MR. ARGENIO: It was productive too.

MR. SCHEIBLE: Very productive, I appreciate it. But I have a question just out of curiosity, do either one of you people have basements? I have a reason for questioning this. Basements in your homes?

MS. AMENDOLOGINE: Yes.

MR. SCHEIBLE: Did you ever have water drainage problems in your basement?

MS. AMENDOLOGINE: No.

MR. SCHEIBLE: Okay, so these, the drainage problem that's causing, you know, right here would not really effect you.

MS. AMENDOLOGINE: The drainage that I'm talking about, the drainage is the water that's leaving the property going into the brook, leach fields leaches further out into the property when there's a heavy rain and all of that water is collected through these drain pipes which is doing its job, I'm supposing some of that leach is going to get into those and it's going to wind up in the brook. Am I going to have an odor?

MR. ARGENIO: Mrs. Amendologine, let me interrupt you, we're on ticklish ground because the public hearing's been opened and closed and I've gotten into trouble for this before, this two-way dialogue and I understand your point now and I'm sure Henry understands your point. Getting back to what I said earlier, that's why we compel especially in the west end of the town where we have difficult percs we require or did require on this a re-up on the septic design and there's requirements and parameters that they have to design that around and they have to certify to our engineer, Mr. Edsall, that it's done in accordance with those requirements and those requirements are set forth by the Department of Health, the County Department of Health and State of New York and they are based on history and I'm not here to reinvent that. Henry, go ahead.

MR. SCHEIBLE: No, you have followed right up with my

question. I wanted to ask so far as I'm just there are different areas in this town where they do have basement problems and that's why I was, that would be a big meaningful thing if you had a basement problem and where the water was rushing into your basement, sump pumps running and so forth, that would be very meaningful. But since you don't have that problem, I feel good for you, you know, I have it in my basement.

MR. ARGENIO: Danny?

MR. GALLAGHER: I have nothing at this time.

MR. ARGENIO: If somebody sees fit, I will accept a motion we declare a negative dec on this application.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare a negative dec on the Little Brook Court subdivision Ed Biagini. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Mr. Cella, I want to read this comment from Anthony Fayo, drainage system will not be maintained by the Town of New Windsor, a maintenance agreement has to be set between homeowners.

MR. CELLA: That would be per the, there's two easements they overlap at I believe and I believe we agreed that the town would maintain the one easement

that's coming through here, that's the comment, just the one type that's receiving water from Little Brook Court.

MR. ARGENIO: I believe that's correct. Mark, you under the same impression?

MR. EDSALL: Yes, the town will only maintain the one public pipe. One of my comments is to clearly denote them on the plan.

MR. CORDISCO: Towards that end, Mr. Chairman, one other of Mark's comments is that there has to be a maintenance agreement that would be recorded in the chain of title regarding the future maintenance of the private storm water improvements between those lot owners and that should be a condition of the approval if you decide to approve.

MR. ARGENIO: The easement that's in control of the town or better said that the town is going to maintain. Mr. Biagini, you understand that? I understand there's some discussion about the fitness of that and Mr. Fayo's going to have to take a look at that before he will accept that.

MR. BIAGINI: Right.

MR. ARGENIO: I don't expect that he will have any problem with it but if there's any issues you need to make him happy for lack of a better term.

MR. BIAGINI: Right.

MR. ARGENIO: Mark, am I missing anything here?

MR. EDSALL: No, I have satisfied the SEQRA process and I have four comments which need to be addressed on the final plans.

MR. ARGENIO: Mr. Cella, this is an obvious question but I'm going to ask it anyway. Are your offset numbers indicated on the plans?

MR. CELLA: For?

MR. ARGENIO: From the septic to the wells appropriate, factual and accurate?

MR. CELLA: Yes.

MR. ARGENIO: And they're in conformance with the Department of Health, et cetera?

MR. CELLA: Yeah, we meet all the separation requirements.

MR. ARGENIO: You have no reason not to believe that, Mark, yes?

MR. EDSALL: That's correct.

MR. ARGENIO: Anybody got anything else?

MR. CORDISCO: We have prepared a written resolution that would grant both preliminary and final conditional subdivision approval for this minor subdivision. Given that the conditions could easily be met and in terms of the changes we believe it would be appropriate to grant both simultaneously, there will be no purpose in granting preliminary and then having them come back for final approval because the changes are not significant. However, the conditions must be met and satisfied within 360 days, New York State Town Law requires that once final approval is granted, the applicant has 360 days to perfect their approval and prepare a plat for the chairman's signature.

MR. ARGENIO: All right, make sure you got that septic right, my man.

MR. CELLA: Yes.

MR. ARGENIO: No joke.

MR. CELLA: Right.

MR. ARGENIO: Okay, somebody sees fit.

MR. SCHLESINGER: Motion made for final approval of the Ed Biagini minor subdivision.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion's been made and seconded that the Town of New Windsor Planning Board offer final approval to the Ed Biagini minor subdivision on Little Brook Court subject to Mark's comments and subject to Mr. Biagini or his designated representative meeting with the Highway Superintendent Fayo to ensure that all is appropriate in that easement, drainage easement that the town's going to take over. Did I miss anything?

MR. CORDISCO: No, sir, other than the condition which I noted before which is actually not in the resolution but is part of the minutes that a maintenance agreement must be provided, must be approved before it's recorded and then it has to be recorded in the chain of title regarding future maintenance of storm water management facilities.

MR. ARGENIO: You guys okay with that?

MR. CELLA: Yes.

MR. CORDISCO: That has to be satisfied before the plat is signed.

MR. CELLA: Yes.

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MR. ARGENIO: Mr. Biagini, you okay with that, right?

MR. BIAGINI: Right.

MR. ARGENIO: Roll call.

ROLL CALL

MR. SCHLESINGER AYE

MR. SCHEIBLE AYE

MR. GALLAGHER AYE

MR. ARGENIO AYE

MR. ARGENIO: Thank you, and thank you to the public for your comment, it was very good commentary. As I said earlier, unfortunately there's some things we can help with, there's also some things we can't help with. Thank you, Mr. Cella.

REGULAR_ITEMS:

RUTHIE'S_SOUL_RESTAURANT_S.P._ (07-26)

MR. ARGENIO: Next on tonight's agenda is Ruthie's Soul Food Restaurant on Windsor Highway. Application proposes a restaurant and catering operation at the existing building on Route 32. The plan was previously reviewed at the 26 September, 2007 planning board meeting. What's your name, sir, and your address or what firm you're with for the benefit of the stenographer?

MR. DENDE: David Dende, I'm with the firm of Fine and Assocaites, 152 Main Street, Goshen, New York here representing the applicant, Unique Developers, Fred Johnson. As the chairman said before, the application was here probably about maybe six or seven months back, just do a quick overview quickly of the existing position.

MR. ARGENIO: What was your name?

MR. DENDE: David Dende, D-E-N-D-E.

MR. ARGENIO: I don't want to call you Mr. Wells.

MR. DENDE: The present site here in question is .83 acres. The applicant has purchased the building roughly now over maybe a year and half, two years ago. This proposal as you said is to convert this existing warehouse which has been vacant 4 1/2 years to a food establishment. The application before that was a little bit of a larger scale project but due to the financial changes and conditions he's decided to scale down the project probably about almost about 50 to 60 percent so he's just developing this section of the site here to facilitate the front section of the existing building which is presently now before you, he purchased, it was a deli and pizzeria, two offices and

something like that so he's utilizing this existing about 3,900 square foot space to convert it to the country style buffet restaurant which will be served by all the parking that he shows in the front, he shows 12 spaces in the front and he, and the residual spaces in the back 21 spaces to accommodate his parking requirements. Presently, the site drains in this direction so one requirement prior to this is we're trying to, we spoke to Mark since we have a disturbance less than one acre, the existing drainage facility now drains into the DOT storm system at the present moment. The existing geometry of the curb cuts will be unchanged, the mouth of it is about 28 feet, we had some discussions with DOT, Mrs. Zaccaria, she reviewed it at some point in time. As we begin SEQRA, this board will circulate those documents though the powers that be and get the comments. He's prepared some landscaping plans that Mark has reviewed, also some additional grading, striping and parking indications and stuff like that. We're looking for input and comment from the board.

MR. ARGENIO: You're doing cuts and fills in the back yard?

MR. DENDE: Actually, we have somewhat of a cut in this direction.

MR. ARGENIO: So you're cutting back towards Snake Hill?

MR. DENDE: That's correct.

MR. ARGENIO: Mark, are they under the SWPPP threshold?

MR. EDSALL: At this point they are just under with what they're proposing, assuming that some of the areas that are disturbed on one plan but not the other are resolved cause they're showing some disturbance on the northerly lot on one plan but not another one. That

has to be resolved as part of my comments.

MR. ARGENIO: What are you doing with the house?

MR. DENDE: This existing house will remain in its present condition until the applicant can move forward. There was several discussions about dismantling it but we're trying to keep the scope of the project I guess less but if it's required by the board obviously they'll take it down.

MR. ARGENIO: Mark, Dominic, relative to the existing one story block building if they extinguish the lot line now they have two buildings on the lot, that's okay, yes?

MR. CORDISCO: I don't know.

MR. EDSALL: You could, I don't believe you could re-establish the house as a residential use but it would be basically a structure that has no use until this board approves the use and they're not, it's just a structure, it has to be obviously maintained in a safe condition otherwise the fire inspectors would issue a violation.

MR. DENDE: I would assume there's no present C.O. obviously.

MR. ARGENIO: Probably.

MR. EDSALL: But the plan as proposed as I understand it does not indicate any use for that house so therefore without further approval from this board it couldn't be used.

MR. ARGENIO: Are you proposing and let me just say that to you, Mr. Dende, there's a lot of comments that i really need to get through, I'm going to propose to the other members, I don't think that we should put in

our comments yet because it needs to be in more of a state of fitness before we do that. Are you proposing any improvements to the front of the building?

MR. DENDE: There are some cosmetic changes but nothing major as far as structural.

MR. SCHEIBLE: Is that being occupied?

MR. DENDE: No.

MR. ARGENIO: I think it's empty.

MR. SCHEIBLE: It's empty right now and according to what you just said, Mark, correct me if I'm wrong, that it cannot be used even for a residential at the present time?

MR. EDSALL: Correct.

MR. SCHEIBLE: Since it would need a C.O. to be even used as a residential?

MR. EDSALL: Yes, and part of the application is the combination of the lots because the use is proposing the southerly lot alone and doesn't have sufficient lot area so he needs to combine the lots so that he meets the zoning requirements which makes that lot subject to your review and they're proposing no use and therefore it couldn't be used until you give further approvals.

MR. CORDISCO: I believe the code in this particular location does not allow multiple uses on a single lot.

MR. ARGENIO: That's why I asked you the question, I believe that to be the case.

MR. CORDISCO: I need to confirm that but I believe that that's the case. So if that's the case then no use is currently allowed for that particular structure

and as part of this approval no use would be permitted as part of that approval.

MR. ARGENIO: Sir, what do you want from us tonight?

MR. DENDE: We haven't had a chance to review Mark's comments and I think what we're looking for just any basically comments from the board so we can address those all at one time, address Mark's comments, resubmit, get your blessing and start the SEQRA process.

MR. ARGENIO: My opinion, this is only my opinion, is that it would be fantastic if in your package you could do something with the front of the building cause it really looks kind of crummy, if you can, I mean, that would be fantastic. It seems to me as I said earlier the plans are not in a suitable state of fitness yet for me to circulate them and the reason we do that in these, typically, we like to see the plans at least 80 percent, 80 to 90 percent level before we circulate in conformance with the various laws because we don't like them to come back and you have to make substantial changes, we circulate them, we like them to be substantively complete. Is there anything? Anybody else have any comments?

MR. SCHLESINGER: Where is their location?

MR. ARGENIO: Across the street from me, just south of the Manns Brothers.

MR. SCHEIBLE: I would love to see any improvements on this piece of property.

MR. ARGENIO: It's a tough spot, nobody has been able to make it work and I couldn't agree more.

MR. DENDE: To advocate for the applicant, he's done some things to it so I don't think he's going anywhere

at this point so of course we'll look at Mark's comments, address them, I think at that point if we need to do another workshop we'll do so.

MR. ARGENIO: You should do another workshop and I'm looking at Mark's comments, I'm not going to read them because there's a lot of drafting stuff here and I'm not going to kill everybody with that cause it's important but I don't need to take up your time, you can read it and take care of it.

MR. DENDE: If that's the guideline from him we can use that as a starting point.

MR. ARGENIO: Thank your for coming in, Mr. Dende, good luck.

PATRICIA_LEVIN_SUBDIVISION_(09-06)

MR. ARGENIO: Next is the Levin subdivision represented by Mr. Hildreth. The plan proposes subdivision of the .95 acre parcel into two single family residential lots. The plan was previously reviewed at the 25 February, 2009 planning board meeting. I see Mr. Hildreth here to represent this. Let me just say that you loaning me your scale will not curry you any favor with this board at all.

MR. HILDRETH: I didn't expect it would.

MR. ARGENIO: It was wrong anyway, it was a mini scale.

MR. HILDRETH: I told you you had to use it twice.

MR. ARGENIO: Go ahead.

MR. HILDRETH: Mr. Chairman, this two lot subdivision was referred by this board back in February to the Zoning Board for some variances, we had the public hearing.

MR. ARGENIO: Do you know where this is?

MR. GALLAGHER: Around the corner.

MR. ARGENIO: If you come down Epiphany hill on Union Avenue, go to the light, go through the light, go about 100 yards, it's that big wide field on the right side.

MR. HILDRETH: Correct, that big wide field is the proposed lot 2, existing house is tucked in to the end of the lot that's on lot 1. Zoning Board granted our variances for lot area which we needed for both lots and along with that, we got a couple of the previously required bulk for lot 1 out of the way.

MR. ARGENIO: So you were successful in achieving the

variances that you requested?

MR. HILDRETH: Required and requested, yes. For the board's edification, there were 60 mailings sent out at that public hearing.

MR. ARGENIO: And how many people were there?

MR. HILDRETH: One person was there but nobody spoke, only one person that was pointed out by the applicant as being a neighbor and she didn't say anything.

MR. ARGENIO: You're certainly credible, Bill, so we'll take that for face value or at least I will.

MR. HILDRETH: Changes to this plan since you've seen this we've added 911 street addresses and note about receiving the variances has been added to the bottom of the bulk table, that's all that's changed.

MR. ARGENIO: Nobody spoke at the ZBA?

MR. HILDRETH: Zero.

MR. ARGENIO: He didn't do this I hope and close it, he didn't do that did he?

MR. HILDRETH: No, he didn't, he gave everybody a fair chance.

MR. HILDRETH: We've heard from the county, they say local determination and they have been pretty good with their comments of late in that it almost seems like a while back that they had no knowledge whatsoever of what we were talking about with any given application but it seems as though over the past couple years they seem to be very much on top of things which is good. I'm glad to see that, I'm glad to see that. You'll read here from the county letter having no further comments from the county perspective, the department

recommends that the planning board proceed with its process.

MR. HILDRETH: No action was taken SEQRA-wise by the board so Mark, do you have anything for me?

MR. EDSALL: All the comments Mr. Chairman are procedural, Mr. Hildreth has addressed all the corrections and additions before it went to the Zoning Board that we requested.

MR. ARGENIO: I'll accept a motion we declare negative dec.

MR. SCHEIBLE: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec under the SEQRA process. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. CORDISCO: Mr. Chairman, the next thing to consider would be whether or not a public hearing is required.

MR. ARGENIO: Anybody have anything here with this? There's nothing going on here.

MR. GALLAGHER: No.

MR. SCHEIBLE: I don't see any reason to have a public hearing.

MR. ARGENIO: Accept a motion if you're making a motion.

MR. SCHEIBLE: I'm making a motion no public hearing needed.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board waive the public hearing for the Levin minor subdivision application. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: You must do a good job, Bill, there's really no comments.

MR. HILDRETH: I try.

MR. ARGENIO: You need to include 911 lettering.

MR. EDSALL: My comment is that it was added, it's all done.

MR. ARGENIO: Anybody want to take it over the wire?

MR. SCHLESINGER: Make a motion to grant final approval.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board grant final

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approval to the Levin minor subdivision on Union Avenue. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

DECLARATION_COURT_(09-19)

OLES_DRIVE_(09-21)

MR. ARGENIO: Declaration and Oles Drive, we're going to consider these two applications together. We're going to vote on them separately, one is Declaration Court, John Paul Jones Lane and Colonist Trail, other one is Oles Drive, Bethlehem Road. This is in The Reserve, guys, what they're doing there's a couple of roads in there that I guess everybody wants to abandon and turn the roads over to the property owners.

MR. EDSALL: Just as a clarification, the roads don't exist, they're part of the plans from 1972 or 1974, obviously, the qualities of the plans from back then left a little to be desired. So once the real topo was known, the roads were steep, they could be construction but they really didn't serve much of a benefit and the highway superintendent basically said I'd rather not have the roads built so here we are.

MR. CORDISCO: At this point, they're just paper roads.

MR. ARGENIO: What's your name?

MR. ROSENZWEIG: Marvin Rosenzweig representing Mt. Airy Estates and New Windsor Development Company.

MR. ARGENIO: Okay, do you have anything additional to add to what Mark just annunciated?

MR. ROSENZWEIG: Just basically as far as the second one goes and Declaration, not Declaration but Oles Drive abandonment we've gone over it with the homeowners that live at the base of the hill and apparently they both seem to be happy with what was done to accommodate them and I think we should be okay, I mean, it inures to everybody's benefit to do away with the roads.

MR. ARGENIO: I'm okay with that but you're deeding the road, the proposed road area over to certain property owners. How does this board know and I'm sure you're a nice fella and you're telling us it's okay and that's great but how do we know from a lawful point of view that these property owners want to receive the property?

MR. ROSENZWEIG: They're here, we can ask them if you want.

MR. ARGENIO: Who is it?

MR. ROSENZWEIG: Well, six of the properties are owned by Mt. Airy Estates, the other two--

MR. CORDISCO: If I could, I believe that the properties as far as the Declaration Court application is concerned I believe all the lots in question on Declaration Court are owned by Mt. Airy.

MR. ARGENIO: So that's a procedural transaction or procedural exercise that that board is going to go through and when they sell the lots, the lot will have an extra thousand square feet added to it or 2,000 square feet whatever the case may be?

MR. CORDISCO: That's correct and as a result for the Declaration Court application, there was no need for the submission of any proxy. However, for the Oles Court application, you're dealing with property that's going to or, excuse me, a lot line change that's affecting existing property owners.

MR. ARGENIO: Do you guys understand this?

MR. SCHEIBLE: Yes.

MR. CORDISCO: So it's affecting people who are in the audience, perhaps their property where it's going to

change or increase the size of their lots. Typically, we would require as part of the application a signed proxy form to show that they consent to the fact that this application has been made. The applicant, unfortunately, didn't include that. However, I think it's curable because we have a stenographer, we have the minutes. If these people identify themselves as the lot owners and state on the record that they're consenting to the application then I think we can move forward on the Oles Court application.

MR. ARGENIO: I'm okay with that, Dom. One question I have as a matter of record when the deeds are filed is there something additional that is attached to the maps or some document that's filed with it that's where the people whose name is on these maps say yes, we accept the property?

MR. EDSALL: We want to make sure that the conveyance doesn't happen as a separate parcel. So I discussed with Tino works with Marvin that we need to ensure that new deeds are drafted for these property owners. They'll have to sign them but their new deed will incorporate the total parcel.

MR. ARGENIO: The new description will incorporate the total parcel satisfactorily and that owner will have to sign it?

MR. EDSALL: Correct.

MR. ARGENIO: That's what I'm going to get to.

MR. SCHEIBLE: Is this a sale or gratuitous situation?

MR. ROSENZWEIG: It's not a sale situation.

MR. ARGENIO: It's transparent for us, Henry. No, it's a curious question. Are the property owners here? What's your name?

MR. LANTELME: Rudy Lantelme.

MR. ARGENIO: Do you want the property?

MR. LANTELME: Yes, I do.

MR. ARGENIO: Ma'am, what's your name?

MS. SIDDER: Evelyn Sidder.

MR. ARGENIO: Do you want the property?

MS. SIDDER: Yes.

MR. ARGENIO: Fantastic, I'm glad you're here, perfect.

MR. ROSENZWEIG: I want to get rid of them, by the way.

MR. ARGENIO: Is there anything else we need to do? Do you guys understand, Neil, you got this?

MR. SCHLESINGER: Yes.

MR. ARGENIO: What do we need to do?

MR. CORDISCO: This is the nature of a lot line change, which is a minor subdivision, you can and should waive, consider waiving the public hearing. There's no need to do any elaborate SEQRA process because there's no other involved agencies. So after considering whether or not to waive the public hearing, you can move onto a negative dec and conditional approval.

MR. ARGENIO: I'll accept a motion we waive the public hearing for Oles Drive and Declaration Court.

MR. CORDISCO: I think if you would, I know--

MR. ARGENIO: I'll accept a motion that we waive the

public hearing for the Oles Drive lot line change.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board waive the public hearing for the Oles Drive lot line change. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I'll accept a motion we declare negative dec on the Oles Drive lot line change.

MR. SCHLESINGER: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec for the Oles Drive lot line change. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Anything else?

MR. CORDISCO: Well, I think at this point you have a written resolution prepared granting conditional approval, however, one of the items that just came up

tonight was the filing of a new deed so that these would not end up as separate parcels, that should be read into the minutes as an additional condition that's not in the written resolution.

MR. ARGENIO: You're going to read it in in a moment. I'll accept a motion for final approval for the Oles Drive lot line change subject to what Dominic's going to read in.

MR. SCHLESINGER: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been--

MR. CORDISCO: Subject-to would be submission for approval of corrected deeds to include the additional acreage that's being eliminated as a result of the paper road for both lot owners Lantelme and Sidder and once they're approved recording of same in the Orange County Clerk's Office and providing us with proof that they have been recorded.

MR. ARGENIO: That said, I'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I'll accept a motion to declare negative dec under the SEQRA process for the Declaration Court lot line change.

MR. SCHLESINGER: So moved.

MR. GALLAGNER: Second it.

MR. ARGENIO: Motion has been made and seconded that we declare negative dec on the Declaration Court lot line change. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I'll accept a motion we waive the public hearing per our discretion for Declaration Court.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board waive the public hearing on the Declaration Court lot line change. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Dominic, is this subject-to the same thing you just read in?

MR. CORDISCO: I don't believe it is.

MR. EDSALL: No.

MR. ARGENIO: Because there are no outside interests here, it's only Mt. Airy.

MR. EDSALL: When they create the four deeds for those four lots it will take into account the larger area.

MR. ARGENIO: I'll accept a motion for final on Declaration Court.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer final approval to the Declaration Court lot line change Mt. Airy Estates. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. CORDISCO: Final approvals and as a result there are 360 days running from tomorrow when the Town Clerk records them in the Town Clerk's office, so you've got until July 10, 2010 to satisfy those conditions.

MR. ARGENIO: We didn't hold you up, did we?

MR. ROSENZWEIG: Not at all, thank you very much.

MR. EDSALL: And we should thank the two neighbors for coming in to help make this happen.

MR. ARGENIO: Ms. Sidder and Mr. Lantelme, thank you very much.

MR. EDSALL: And help us get through this.

MR. ARGENIO: This became a concern of mine today and when I found out you folks were going to be here, I was happy because I certainly wouldn't want to be voting on something and I'm sure everybody else wouldn't be where you're going to receive property that maybe you don't want. Thank you for coming in.

THE_GROVE_AT_NEW_WINDSOR_(09-22)

MR. ARGENIO: The Grove at New Windsor. Sir, please give your name to the stenographer and the firm you're with, if you're with a firm.

MR. DATES: Yes, Justin Dates with Maser Consulting.

MR. ARGENIO: Mr. Dates, please give us your presentation briefly because I would like to have Dominic give us your presentation briefly because I would like Dominic to explain the legal nuances of this. I am aware of this application and this methodology that's going to be present, matter of fact, I'm intimately familiar with it and you guys might be too, I think we talked about this at the, what's the one on Union Avenue, Patriot Bluff?

MR. CORDISCO: That's correct.

MR. ARGENIO: That said, go ahead.

MR. DATES: Members of the board, Mr. Chairman, everybody is familiar with the project, it's The Grove at New Windsor. I brought a copy of the approved site plan just kind of orient everyone where you're at. North faces to the right on this map, Airport Center Drive is on the north, to the east we have Hudson Valley Avenue and then Hawthorne Way which is the road that kind of bisects the project site. What we're proposing is subdivision, partial subdivision of the project, we're looking at buildings 22 through 25, that's just west of the intersection with Corporal Burger Road and Hawthorne Way. We're looking at 22 units in those four building and looking to create fee simple lots, it gives these owners opportunities to look at FHA financing. We're also in the submission package looking at subdividing the entire parcel into three areas, condo 1, condo 2 and lot specifically for the rec which is the clubhouse, tennis court and that

in that area now, the lot, the project is a P1 zoning district which has its bulk requirements of course but by creation of these lots around the units themselves it creates zero lot lines so no setbacks, basically the shared wall between the units is where the property line would go through. That's not, zero lot line is not an approval that the planning board can facilitate, it's by way of Town Board and creating a PUD or Planned Unit Development for the project site. So we're looking to get any feedback that the planning board may have on this and also looking to get the project referred to the Town Board for the next meeting to review this as a PUD and approve that.

MR. GALLAGHER: Is that a homeowners' association?

MR. DATES: Currently, it is, yes. And one thing I wanted to throw in is that there's no changes to the approved site plans, you know, no unit changes, no grading, drainage, everything that's been approved is remaining, we're simply creating lot lines.

MR. ARGENIO: Dominic, I would like you to in layman's terms as it was explained to me cause I'm not that smart explain this to the other members the benefit the town will have in this.

MR. CORDISCO: The benefit to the town is that it will see potentially increased tax revenues as it won't suffer from the condominium loophole that New York has been struggling with for the last 30 some years and there's been a proposal in Albany every year to close that loophole which with the dysfunction in Albany has gone nowhere. Don't ask me to explain it to you too much though because I became an attorney because I wasn't good at math and so I don't understand the full ramifications of it. I know that essentially the assessor's hands are tied when you're dealing with condo because you're dealing with the tax assessment on one overall lot rather than the individual lots. From

a legal standpoint, the issue is regardless of whether it's a condominium or individual lot lines is what's going to be the mechanism in place to take care of the common elements on the site because if you're going to have individual zero lot lines for structures there are going to be common areas, common areas that need to be maintained and the mechanism to do that would be the homeowners' association. It's my understanding that homeowners' association has already been formed as part of The Grove at New Windsor and so that would take on the role at which it already has of maintaining the common area elements of the plan. This particular proposal requires not only this board's approval in terms of subdivision but it's the Town Board's determination to designate this site as a PUD. So it involves both boards and essentially it's an application for both actions.

MR. ARGENIO: We'll take lead agency Dominic or the Town Board will?

MR. CORDISCO: Typically, I believe that you will take lead agency, if you look at the Patriot Bluff application as an example that's correct historically and I don't want to speak for the Town Board but historically the Town Board has deferred.

MR. ARGENIO: They don't want to be involved.

MR. CORDISCO: That's correct.

MR. ARGENIO: Guys?

MR. SCHLESINGER: Just so I can get a better understanding of what's going on, what's the purpose of doing this?

MR. CORDISCO: Well, this would allow them to avoid the formation of condominiums as I understand it and would allow them to sell lots.

MR. EDSALL: In the applicant's cover letter, they're indicating that there's a funding mechanism from FHA that's preferable, a lot of potential buyers like the FHA financing, the side-by-side townhomes that type of ownership is needed to get that type of financing so it's to their advantage for the available type of financing in today's market and the town obtains a benefit as Dom indicated from a tax standpoint so it seems to be a win-win.

MR. CORDISCO: Correct.

MR. SCHLESINGER: Make the units more marketable.

MR. EDSALL: Yes.

MR. ARGENIO: We stand as sentries for the town and if the town is getting more revenue from it and it doesn't affect anything else, I think I tend to look on it favorably. Sir, you're going to make a comment?

MR. DATES: The marketability that's really what it comes down to access to FHA loans is what's going to hopefully help sell some more units.

MR. ARGENIO: You stand mute. Any comments?

MR. SCHEIBLE: No, I see it as you said win-win, I say no loss situation for the Town of New Windsor and also no loss situation for you guys so you can progress hopefully to sell these.

MR. SCHEIBLE: I know things have been a little rough.

MR. ARGENIO: What action is required? I think I know the answer to this question but I'll ask it anyway, what action is required on our behalf?

MR. CORDISCO: First thing to do would be to start the

SEQRA process and to circulate for lead agency that's required because there's multiple boards and it's in the applicant's interest as well because if you don't circulate for lead agency the board then has to go through the SEQRA process which is not something that I think anyone would want.

MR. ARGENIO: So first thing circulate for lead agency?

MR. CORDISCO: Correct.

MR. ARGENIO: I'll accept a motion.

MR. GALLAGHER: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board circulate for lead agency for the K. Hovnanian subdivision site plan. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. CORDISCO: It should also be referred to the County Planning Department for its 239 review.

MR. ARGENIO: Can you do that, Nicole?

MS. JULIAN: Yes.

MR. EDSALL: I'll do lead agency and Department of Planning with Nicole.

MR. DATES: In our narrative, we didn't think that it

met any of the criteria for the 239.

MR. EDSALL: Well, the parent parcel is within 500 foot of 207, you go by the total lot, not the ones you're creating.

MR. ARGENIO: Parent parcel borders 207 down near Cordisco's office, that answers that question.

MR. EDSALL: At least The Grove parcel I believe is within 500 foot from its closest point.

MR. CORDISCO: This isn't going to hold you up in terms of time, we have to wait 30 days for the circulation for lead agency to happen so we will make the referral promptly to the County Planning Department and that will start the 30 day clock.

MR. GALLAGHER: How come just the four buildings do we have this situation, how come not the whole property?

MR. DATES: Right now they're building on Balsam Drive, the unit style is kind of like a garage under so you park underneath and then two story above, they felt that these would be relatively marketable in this type of situation so they wanted to feel out, see if this is going to be--

MR. GALLAGHER: Bigger units building 25, 26, 27?

MR. DATES: These are different size units, they're the stacked story so it's above and below units and this is a--

MR. ARGENIO: You know what?

MR. DATES: --this is strictly a townhouse.

MR. ARGENIO: I don't accept that answer but it's not germane to your application. Next time you come, I'd

like to know the real answer as to why we're only doing those units, there's something more than that, has to be, I mean, I don't know but it just seems like there's more to it than that but as I said, it's not going to affect this discussion here tonight.

MR. DATES: Okay.

MR. SCHEIBLE: I think it's possibly a test.

MR. ARGENIO: Henry?

MR. CORDISCO: Mr. Chairman, we would need to refer this to the Town Board.

MR. ARGENIO: That's my next maneuver.

MR. CORDISCO: And Mark and I were just reviewing the zoning as it is not clear to us that the AP1 zone allows a PUD and so that may complicate matters to some extent, the Town Board may have to consider a zone change.

MR. ARGENIO: Yeah, that's going to be theirs, that's not going to be ours.

MR. EDSALL: We were discussing unless the text for the PUD provides that it can be established anyplace in the town but we have said that's a Town Board issue.

MR. ARGENIO: That's a Town Board issue, not a planning board issue.

MR. CORDISCO: It's not something that we need to address just raising it as a possible issue, something that we can look at further. But in any event, whether it's allowed or not and assuming for a moment that it is allowed it's the Town Board that grants PUD status to the project.

MR. ARGENIO: I'll accept a motion that we refer this process--

MR. SCHLESINGER: To the Town Board.

MR. ARGENIO: --to the Town Board.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board refer K. Hovnanian to the Town Board for review of their PUD and their site plan for their zero lot line lots on their currently approved site plan. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Thank you, Mr. Dates.

MR. CORDISCO: Mr. Chairman, before you go, what I think you should do would be to authorize me to prepare a letter that would formally refer that so that the Town Board has a record of it.

MR. ARGENIO: I believe that we have authorized that our counselor be authorized to do that by the planning board.

MR. CORDISCO: Thank you very much.

MR. DATES: Just like to make sure we'd like to try to get onto the August 5 Town Board meeting.

MR. CORDISCO: I'll get the letter out.

MR. ARGENIO: You're telling Dominic to do it quickly, move quickly, counselor.

MR. EDSALL: We'll get the lead agency.

MR. CORDISCO: I can't speak for the Town Board how they set their agenda but we'll get the letter done within the next couple days.

MR. EDSALL: We'll do the same.

MR. ARGENIO: Members, we tend not to sit on things, members and professionals. Mark, go ahead.

MR. EDSALL: I say we'll get the lead agency and the Orange County out swiftly.

MR. ARGENIO: You got anything else? Motion to approve.

MR. DATES: Will the planning board require a public hearing on this? Is it considered a major subdivision?

MR. EDSALL: It is.

MR. CORDISCO: Yes, I think the answer is yes. How many?

MR. EDSALL: It's over five.

MR. CORDISCO: Yes.

MR. ARGENIO: Are we compelled to do that by law?

MR. CORDISCO: Yes, you can only waive the public hearing on a minor subdivision.

MR. ARGENIO: Got it. That answers that question. Anybody else have anything?

DISCUSSION

MR. EDSALL: Just want to ask Nicole we never received anything from Rizzi on his building?

MS. JULIAN: No.

MR. EDSALL: Just to give you a heads-up.

MR. ARGENIO: Wait a second, you don't have, doesn't have a building permit?

MR. EDSALL: That's not what I'm saying, Rizzi site plan on Route 32 was approved as a retail and office, they're again considering the economic situation, property owners find themselves looking for tenants, one of the options they're looking at is possibility of not only a deli with retail but an adjoining restaurant which comes down to in plain terms it's a permissible use but the parking calculation how I handled it at the workshop I asked them to give us a floor plan layout, general floor footage, a parking calculation to show us that it works so that the board could make a determination since that use was not part of their original approval.

MS. JULIAN: They did give parking and it's in your box, I do have parking.

MR. EDSALL: They didn't give a layout of inside.

MS. JULIAN: Might be in the packet.

MR. EDSALL: My question to the board is if in fact the parking works and there was a couple parallel parking spaces down near the water quality basin and in a wide paved area for employee parking as long as the parking works do you see any reason why we couldn't refer it to the building department to just process?

MR. ARGENIO: I don't think.

MR. GALLAGHER: Our biggest issue was water runoff and where they did the air conditioners.

MR. EDSALL: From a site plan standpoint, they're going to stripe three more spaces for employees in the back in an open paved area that has no other use.

MR. ARGENIO: Neil, you okay with that?

MR. SCHLESINGER: I understand what he's saying.

MR. SCHEIBLE: As long as Mark and he can squeeze it in.

MR. EDSALL: The bottom line there's no physical changes to the site plan.

MR. SCHLESINGER: Make it work then fine.

MR. ARGENIO: Okay.

MR. EDSALL: Okay.

MR. ARGENIO: I'm okay.

MR. EDSALL: I'll deal with the building department.

MR. ARGENIO: Anything else? Motion to adjourn?

MR. GALLAGHER: So moved.

MR. SCHLESINGER: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE

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MR. ARGENIO

AYE

Respectfully Submitted By:

Frances Roth
Stenographer

